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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 UNITED STATES OF AMERICA,)	No. CR 05-00784 MHP
)	
14 Plaintiff,)	[PROPOSED] ORDER AND
)	STIPULATION EXCLUDING TIME
15 v.)	FROM THE SPEEDY TRIAL ACT
)	CALCULATION
16 JOHN FRANKLIN,)	(18 U.S.C. § 3161 (h)(8)(A))
)	
17 Defendant.)	
)	

19 The parties stipulate and agree, and the Court finds and holds, as follows:
20

21 1. The parties initially appeared on the instant matter November 21, 2005 for defendant's
22 initial appearance, and thereafter appeared on December 12, 2005 for defendant's arraignment on
23 the indictment before the Honorable Elizabeth D. Laporte.

24 2. On December 12, 2005, the matter was continued until December 19, 2005 for initial
25 appearance before the Honorable Marilyn Hall Patel.

26 3. On December 19, 2005, the matter was continued until January 23, 2006 for status.
27 Assistant Public Defender Geoffrey A. Hansen, who represents the defendant, requested an
28 exclusion of time from December 19, 2005 to January 23, 2006, based on effective preparation

and continuity of counsel. The parties moved that this same time period be excluded from the calculation of time under the Speedy Trial Act.

4. In light of the foregoing facts, the failure to grant the requested exclusion would unreasonably deny counsel for the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A), (B)(iv). The ends of justice would be served by the Court excluding the proposed time period. These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

5. For the reasons stated, the time period from December 19, 2005 through January 23, 2006 shall be excluded from the calculation of time under the Speedy Trial Act.

IT IS SO STIPULATED.

DATED: _____

Respectfully Submitted,

/S/
NAHLA RAJAN
Special Assistant United States Attorney

DATED: _____

/S/
GEOFFREY A. HANSEN
Counsel for John Franklin

PURSUANT TO STIPULATION, IT IS SO ORDERED.



DATED: _ Dec. 21, 2005

HONORABLE MARILYN HALL PATEL
United States District Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of:

[PROPOSED] ORDER AND STIPULATION EXCLUDING TIME FROM THE SPEEDY TRIAL ACT CALCULATION (18 U.S.C. § 3161 (h)(8)(A))

to be served this date on the party(ies) in this action,

Via Hand Delivery

GEOFFREY A. HANSEN
Assistant Federal Public Defender
450 Golden Gate Avenue, 19th Floor
San Francisco, CA 94102

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: December 20, 2005

_____/S/
Ponly J. Tu
Legal Assistant (Immigration)
U.S. Attorney's Office